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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

11 DURRELL ANTHONY PUCKETT,
12 Plaintiff,
13 v.
14 BARAONA, *et al.*,
15 Defendants.

Case No. 1:21-cv-01448-DAD-BAM (PC)

**ORDER GRANTING MOTION FOR
ADMINISTRATIVE RELIEF RE: REQUEST
FOR EXTENSION OF TIME TO FILE
WAIVERS OF SERVICE OF PROCESS**

(ECF No. 34)

**Waivers of Service of Process Due: June 7,
2022**

18 Plaintiff Durrell Anthony Puckett (“Plaintiff”) is a state prisoner proceeding *pro se* and *in
19 forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on
20 Plaintiff’s first amended complaint against: (1) Defendants Baraona, Burneszki, Leos, Hernandez,
21 Diaz, and Doe 1 for excessive force in violation of the Eighth Amendment; (2) Defendant Leos
22 for sexual assault in violation of the Eighth Amendment; and (3) Defendants A. Ruiz, Martinez,
23 E. Ruiz, Meiers, Gutierrez, A. Cruz, K. Cronister, and Jane Doe Nurse for failure to protect in
24 violation of the Eighth Amendment.

25 On March 17, 2022, the Court ordered electronic service on Defendants Baraona,
26 Burneszki, Leos, Hernandez, Diaz, A. Ruiz, Martinez, E. Ruiz, Meiers, Gutierrez, A. Cruz, and
27 K. Cronister and directed the California Department of Corrections and Rehabilitation (“CDCR”)
28 to file a Notice of E-Service Waiver advising the Court which defendant(s) would be waiving

1 service of process without the need for personal service. (ECF No. 17.) That order also required
2 the California Office of the Attorney General (“OAG”) to file, within 30 days from the filing of
3 the Notice of E-Service Waiver, a separate waiver of service of process for any defendant
4 waiving service under Federal Rule of Civil Procedure 4(d)(1). (*Id.*) CDCR returned the Notice
5 of E-Service Waiver indicating that Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, A.
6 Ruiz, E. Ruiz, Gutierrez, and K. Cronister intend to waive service on April 21, 2022. (ECF No.
7 22.) Therefore, waivers of service of process from the OAG for these defendants were due on or
8 before May 23, 2022.

9 On May 20, 2022, counsel for the OAG, by special appearance, filed a motion for
10 administrative relief requesting a fifteen-day extension of time to file waivers of service of
11 process for Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, A. Ruiz, E. Ruiz, Gutierrez,
12 and K. Cronister. (ECF No. 34.) Counsel from the OAG states that the extension is necessary to
13 determine whether the OAG will be representing these defendants in this case. Until that
14 determination is made, the OAG is unable to file a waiver of service of process on behalf of these
15 defendants. Counsel expects a fifteen-day extension will allow enough time to determine whether
16 the OAG will be representing these defendants. (*Id.*)

17 Having considered the request, the Court finds that there is good cause to grant an
18 extension of time for these defendants to file their waivers of service of process. Fed. R. Civ. P.
19 6(b). The Court further finds that Plaintiff will not be prejudiced by the brief extension.

20 Accordingly, the motion for an extension of time, (ECF No. 34), is HEREBY GRANTED.
21 Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, A. Ruiz, E. Ruiz, Gutierrez, and K.
22 Cronister shall file waivers of service of process on or before **June 7, 2022**.

23 IT IS SO ORDERED.

24 Dated: May 23, 2022



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UNITED STATES MAGISTRATE JUDGE